



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

PLANNING COMMISSION MINUTES

REGULAR MEETING

APRIL 25, 2000

PRESENT: Kennett, Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

ABSENT: None

LATE: None

STAFF: Planning Manager (PM) Rowe, and Administrative Secretary Smith

REGULAR MEETING

Chairman Pinion called the regular meeting to order at 7:03 p.m.

DECLARATION - POSTING OF AGENDA

Administrative Secretary Smith certified that this meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

PUBLIC COMMENTS

Chairman Pinion opened the meeting to public comments.

There being none, the public comments were closed.

MINUTES

APRIL 11, 2000

COMMISSIONERS MUELLER/MCMAHON MOTIONED TO APPROVE THE APRIL 11, 2000 MEETING MINUTES. THE MOTION CARRIED BY A 6-0 VOTE, WITH KENNETT ABSENT, WITH THE FOLLOWING AMENDMENTS:

- 1) Page 7, Item 5(c), in the last sentence, correct the word "three" with the word "five".
- 2) Page 14, paragraph 4, line 8, correct the word "fail" with the word "fell".
- 3) Page 14, paragraph 5, last line, amend the word "cutoff " with the word "completion".

CONSENT:

**1) ZAA-98-01:
E. DUNNE-
MORGAN HILL
DAY CARE
CENTER**

A request to amend the Planned Unit Development for a mini-storage and daycare facility located on the southeast corner of the intersection on San Benencio Way and E. Dunne Ave. The proposed amendment is a request to located a shared monument sign for both uses on E. Dunne Ave. PM Rowe brought to the attention of the Commission a letter from Bruce Tichinin, Legal Counsel for the applicant, requesting a continuance of the item. He also advised the Commission that when Staff contacted the applicant this afternoon to inquire if he was interested in pursuing his request further to the City Council, given the unanimous position taken by the Commission at the April 11th Commission Meeting, Staff was informed by the applicant that he was not aware of his request being agendized on the April 11th or tonight's agenda until that moment, despite the fact the Staff has sent three mailings to him advising him of this information. PM Rowe noted that none of the mailings were returned back to Staff from the Post Office. PM Rowe then stated Staff's recommendation to continue the request to the May 9, 2000 Commission Meeting date based on the applicant's expressed desire to present his position of why he feels the sign is necessary. PM Rowe answered questions from the Commission.

Chairman Pinion requested Mr. Tichinin to address the Commission.

Bruce Tichinin advised the Commission that he was requesting a continuance of all action on his applicant's request until the next Planning Commission Meeting. He stated that he would like to have time to develop responses to the reasons expressed by the Commission for their position taken, and to also raise the procedural issue because it appeared to him, from his brief review of the PUD and the Sign ordinances, that the request should be processed as a sign permit, not a zoning amendment.

COMMISSIONERS MUELLER/RIDNER MOTIONED TO CONTINUE THE REQUEST TO THE MAY 9, 2000 MEETING DATE. THE MOTION CARRIED ON A VOTE OF 4-2-1 AS FOLLOWS: AYES: MUELLER, PINION, RIDNER AND SULLIVAN; NOES: LYLE, MCMAHON; ABSTAINED: KENNETT.

The Commission heard item #4 at this time upon the request of Staff.

OTHER BUSINESS:

**4) REVIEW AND
RECOMMENDA-
TION FOR
REDISTRIBUTION
OF THE COLETTO
AND SELINGER
PARTIALLY
COMPLETED
SET-ASIDE
ALLOCATIONS**

PM Rowe presented the staff report and requested direction from the Commission for the reallocation of the unused building allotment. PM Rowe recommended that the Commission not take any action at this time on the 6 units from the partially completed set-aside for the MP-93-08: San Pedro-Barton of Redlands/Selinger project, as the Staff would like to avoid any further delays in the completion of the 4 BMR units in the project. He added that the Planning and Housing Staff will be meeting with the applicant to see if the RDA can provide some assistance with the project financing. If Staff determines that the allotment will not be able to be utilized, then the Selinger project will be returned before the Commission at the May 9, 2000 Meeting date. PM Rowe pointed out the reallocation request letters received from Dick Oliver with Dividend Homes and Marie Jones, applicant for a Micro P allotment in this year's Micro Measure

P Competition. He also indicated that there is an affordable allocation for FY 2000-01 that is available from the South County Housing Via Ciolino project, because the South County Housing project now only need 14 of the 15 allocations they were awarded.

PM Rowe stated Staff's recommendation to the Commission that the unused Coletto single-unit allotment for the current fiscal year ending June 30, 2000 be awarded to the MMP-00-01: Berkshire-Singh project, based on the fact that the applicant would be able to proceed with construction of a home prior to the expiration of the Coletto allotment. In addition, he stated that if the affordable allocation for the next fiscal year were to be applied to the Singh project, then it would not be necessary for the Singh project to be phased over a two-year period, and would free up the current fiscal year allocation to go to either the Dividend Homes project or to the Jones project. He stated that there are a total of two allocations available and how they are applied would effect how many allotments would be needed among those projects that will be in the competition, which will be dealt with under item #2 of tonight's agenda. PM Rowe also recommended to the Commission that the unused affordable allocation for the next fiscal year be added to the pool of allocations for this year's Micro Measure P Competition. PM Rowe then responded to questions from the Commission.

Chairman Pinion opened the public hearing.

Jerry Jones, 16532 Mira Bella Place, asked for further clarification of Staff's recommendation of the reallocation of the unused Coletto building allotments. He stated that he did not understand Staff's recommendation to give the Coletto allocation to an applicant that scored lower than his project last year. Mr. Jones stated that he currently has street improvements going in and that he is ready to begin construction. He requested the Commission's consideration of the one unused Coletto allocation.

Dick Oliver advised the Commission that he was available to respond to any questions that they may have, and that he would like the allocation. However, he stated that if it would make more sense to reallocate the unit elsewhere, that he would understand.

Chairman Pinion closed the public comments.

Commission discussion ensued.

COMMISSIONERS MUELLER/SULLIVAN MOTIONED THAT THE UNUSED COLETTI SINGLE-UNIT ALLOTMENT BE REALLOCATED FOR THE CURRENT FISCAL YEAR ENDING JUNE 30, 2000; THAT THE UNUSED AFFORDABLE ALLOCATION FOR THE NEXT FISCAL YEAR BE ADDED TO THE POOL OF ALLOCATIONS FOR THE FISCAL YEAR 2000-01 MICRO MEASURE P COMPETITION; AND THAT THE COMMISSION DEFER ACTION ON THE SELINGER PROJECT IN DEFAULT. THE MOTION CARRIED UNANIMOUSLY.

Commissioner Kennett stepped down from the dais at this time due to a possible conflict of interest with item #2.

OLD BUSINESS:

**2) RDCS
MICRO
MEASURE P
COMPETITION**

Applicants for the following proposed residential developments have requested a building allotment under the City's Residential Development Control System pursuant to Chapter 18.78 of the Morgan Hill Municipal Code:

- a) **MMP-00-01: BERKSHIRE-SINGH:** A request for Measure P allocations for Fiscal Year 2000-01. The project consists of 5 single-family detached homes on a 40,522 square foot site at the southerly end of Berkshire Ct.
- b) **MMP-00-02: E. DUNNE-GREWAL:** A request for Measure P building allotment for Fiscal Year 2000-01. The project consists of 4 single-family detached dwellings on 1.8 acres located on the north side of East Dunne Ave., immediately east of the realignment of Hill Rd.
- c) **MMP-00-03: MCLAUGHLIN-JONES:** A request for a residential building allotment for five single family attached dwelling units to be located on an 11,630 square foot lot at the northerly end of McLaughlin Ave., north of East Central Ave.
- d) **MMP-00-04: DEWITT-SHEPPARD:** A request for a residential building allotment for 3 single-family detached and 2 single-family attached dwellings on 1.45 acres located on the west side of DeWitt Ave., south of West Dunne Ave. and Oak Park Dr.
- e) **MMP-00-05: NINA LANE-SHAW:** A request for a Fiscal Year 2000-01 residential building allotment for 3 single-family detached dwellings and two single-family attached dwellings on a portion of 1.99 acre parcel on the northerly extension of Juan Hernandez Dr., north of San Vicente Dr.

PM Rowe presented the staff report and reviewed the scoring adjustments, indicating the following results: 1) Berkshire-Singh: The Open Space Category was decreased from 20 points to 16; the Public Facilities Category was increased from 8 points to 10; and the Parks and Paths Category was decreased from 10 points to 7, changing the total score from 155 to 150 points; 2) E. Dunne-Grewal: The Open Space Category was increased from 15 points to 20; and the Parks and Paths Category was increased from 8 points to 10, changing the total score from 146 to 148 points; 3) McLaughlin-Jones: The Schools Category was increased from 20 Points to 21; and the Orderly & Contiguous Category was increased from 15 points to 17, changing the total score from 146 to 149 points; 4) DeWitt-Sheppard: The Open Space Category was decreased from 16 points to 15; and the Orderly and Contiguous Category was decreased from 17 points to 16, changing the total score from 152 to 150 points; and 5) Nine Lane-Shaw: There were no changes, leaving the total score at 155 points.

Based on the final score standings and the Commission discussion and action taken on agenda item #4, PM Rowe stated Staff's recommendation for the following amendments to be made to Resolution No. 00-17: 1) Allocation of the one unused affordable set-aside for Fiscal Year 2000-01 into the Berkshire-Singh project so that the project will not have to be phased over a two-year period; and 2) The DeWitt-Sheppard project receive one

less allocation than what was recommended, because based on the zoning limitations, the single-family detached units for the project cannot proceed, which now frees up another allocation for distribution.

Commissioner Lyle requested the Commission to revisit the issue of whether or not they should distribute allocations to all of the projects in this year's competition. He indicated that there are now 21 allocations that can be assigned to the micros and 21 allocations being requested, and noted that no clear distinction in the final scoring exist. He stated that he would like the Commission to take all of the 21 allocations and assign them to all of the projects, or at a minimum, that the four highest scoring projects be assigned allocations. Commissioner Lyle presented the argument for his request that it is very time consuming for Staff to go through one of these competitions and that he felt it would be worthwhile to skip one competition every once in awhile.

Commissioner Mueller stated that the only problem that he had with skipping next year's Micro Competition is the lack of notification to the smaller developers. Commissioner Lyle added that there is not as much lead time with the Micro projects as there is with the other projects, so even though no one is getting an allocation next year, someone who received one allocation the following year could start construction right away and really would not have lost much time. He also pointed out that the newer projects in this year's competition will probably not begin construction until almost the next fiscal year.

COMMISSIONER LYLE MOTIONED THAT THE TWO UNUSED ALLOCATIONS BE ASSIGNED TO THE MICRO MEASURE P COMPETITION AREA AND THAT THE COMMISSION DIVIDE UP THE YEARS PROPERLY, BUT TAKE ALL OF THE FISCAL YEAR 2001 & 2002 AND SATISFY ALL OF THE APPLICATIONS.

Commissioner Mueller stated that the Commission will first need to decide whether to allow the two-year phasing and skip next year's Micro Competition, decide on the number of eligible units for the DeWitt-Sheppard project, and then allow Staff to figure out the distribution for recommendation to the Commission for approval.

Chairman Pinion opened the public hearing, restricting the comments to whether or not the Commission should eliminate next year's Micro Measure P Competition and award all of the allocations to all of the projects in this year's competition.

Jerry Jones, McLaughlin-Jones project applicant, stated that he fully supported Commissioner Lyle's recommendation because it is very expensive from a developer's standpoint, and time consuming for Staff.

Jim Looney, 16840 Price Court and adjacent property owner to the DeWitt-Sheppard project, spoke in favor of the project and said that he was under the impression that the project would have to be developed simultaneously, not occur in parcel-by-parcel stages.

He stated that many of the residents in the area were surprised that the number of parcels were being increased and that they did not want to cause anyone any undue expense, but indicated that there are various restrictions that still will need to be addressed. Mr.

Looney also commented that the project looked attractive to him, and requested further clarification of the final point scoring adjustments.

Chris Twardus, affiliate with the E. Dunne-Grewal project, stated that he also supported Commissioner Lyle's recommendation. He added that he felt that the applicants in this year's competition that are not successful will probably be the same people that will be competing for next year's allocations.

John Sheppard, DeWitt-Sheppard project applicant, advised the Commission that he too was in favor of Commissioner Lyle's request. He stated that he was in favor because he may indeed be eligible for four lots based on his application. He indicated that in his application packet there were letters from his adjacent property owners who gave him permission, exclusively, to build the duet even though the four parcels were not being proposed to be built simultaneously. He stated that he included the letters because he understood the rules that were adopted when the annexation occurred, and pointed out that if he is given the four allocations he requested, then it would impact the quantity of allocations that are available for distribution this year if the two years were combined together. Commissioner Mueller asked Mr. Sheppard if he would build the duets as BMRs? He stated that he would not.

Mr. Shaw, applicant for the Nina Lane-Shaw project, asked that Commissioner Lyle clarify his comment to bring forward next years allocations to this year and then divide them out over a two-year period. Commissioner Lyle stated that the way the numbers work out, that 14 units would be allocated in the first year and the 7 remaining allotments in the second year, so that the highest scoring project would have a better chance than the others of obtaining allocations during the first year of the two-year split. Mr. Shaw then commented that while he does support bringing all the allocations forward, that he was requesting that care be taken because he did not think it would be fair if the highest scoring project gets penalized this year. He further stated that they would be ready to begin construction of all five of their units by August or September, if not sooner. Mr. Shaw responded to Commissioner McMahon's question by stating that he would not support the combining of the allocations into two years if his allocations were split between the two years, because he did not feel it would be fair to penalize his project when he is the highest scoring project in the competition.

Marie Jones, project applicant, stated that she was fully in favor of Commissioner Lyle's recommendation and commented that she believed that all of the five projects had really taken into consideration the core of what the Micro Competition is about. She further pointed out that the points for the projects are very close together and that the Open Space Category is the only category that caused their score to be as low as it is. Mrs. Jones concluded by stating that she believes that all five of the projects are good projects and that all of the applicants have worked very hard and put in a lot of time, money and effort and that they all deserve the allocations. Commissioner McMahon asked Mrs. Jones if they have improved their point score from last year. She answered that it is about the same. Commissioner McMahon then asked Mrs. Jones if they had improved their position in relation to the other competitors from last year. Mrs. Jones responded that they improved their position by one this year.

Chairman Pinion closed the public hearing.

The Commission queried PM Rowe

COMMISSIONER LYLE RESTATED HIS MOTION TO TAKE THE 12 BASE UNITS AVAILABLE FOR FISCAL YEAR 2000-2001 AND ADD TO IT THE 1 AFFORDABLE UNIT; TAKE THE ONE UNIT FROM THE W. MAIN-COLETTO FISCAL YEAR 1999-2000 ALLOCATION, MAKING IT 14 THROUGH THE 2000-2001 FISCAL YEAR; TAKE THE 7 UNITS FROM THE NEXT YEAR TO MAKE IT A TOTAL OF 21 ALLOCATIONS, WHICH MATCHES THE NUMBER OF UNITS TO THE NUMBER OF REQUESTS; AND THEN TAKE THE 21 ALLOCATIONS AND SPREAD THEM ACROSS A 2-YEAR PERIOD, SPREADING THE HIGHEST SCORING PROJECT LESS OR NOT AT ALL, THE LOWER SCORING PROJECTS BEING SPREAD THE MOST, AND NO PROJECT BEING ALLOCATED ALL IN THE SECOND YEAR. COMMISSIONER SULLIVAN SECONDED THE MOTION.

Commissioner Mueller commented that it was not noticed as a 2-year competition, so it's not known who is out there, and secondly, by doing this they will not have any building allocations in that second year to support the "single-unit development in each year" City Council policy.

Commissioner McMahon stated that the key issue was that the competition was established so that the best projects get built. She said that it seemed to her that it is counter-intuitive to give everybody that is an applicant allocations into the second year, because one of the applicants who have applied over a two-year period said that they improved their position the second year, and also that she suspected that those who have applied for more than one year have learned a great deal by not getting an allocation in the first year, and improving the site plan or the product in the second year. Commissioner McMahon continued by saying that she would be disinclined to give away the allocations for this year and next year, and to eliminate the competition for the next fiscal year, because they would be cutting out the possibility that somebody is out there with a really great project and that they are also not encouraging the people that are not getting the allocation this year, were it only to go one year, to improve their project and to get more points next year.

Chairman Pinion stated that he would be inclined to vote in favor of this issue. He said that it is true that competition helps bring out better projects, but that just because somebody competed one year and comes back the second year with a higher score does not mean that the product is necessarily better. He continued by stating that he thinks that all the projects are good projects and worthy of being built. Chairman Pinion commented that it is very expensive for the applicants to submit and resubmit, and that there is the possibility that when the public realizes that it going to be so expensive to build a micro project that they might not even bother because they are not going to want to submit two or three times. He further stated that if the projects were widely disparate in their point scores, then he would feel differently. However, he said that he felt that the scores were too close to call and that he felt it would be better to approve all the project requests for allocations.

Commissioner Sullivan commented that she had only one issue with the action that she was about to vote on, which was that the two-year phasing was not noticed. She requested Staff to confirm with the City Attorney that this is not a problem, and that if it turns out that it is a problem, that this item be returned before the Commission for them to revisit the distribution of the allocations. She also stated that she felt that the scoring was too close and that she would rather see the projects actually get done, rather than see a couple of houses being built here and there. Commissioner Sullivan further stated that she did not feel that the Jones project improved from last year, but that the field changed. She continued by commenting that she had a problem with the Sheppard duet and that she would not be willing to go forward with the four allocations on that project until the legal issue is resolved regarding the zoning limitations.

Chairman Pinion reminded the Commission of a point that was made at the last meeting that there is a finite supply of properties that are suitable for micros and that every year they get diminished. He also indicated that those projects located further away from the core score fewer points than those that are closer to the core, but that they are still quality projects.

Commissioner Ridner stated that he was inclined to reverse his position for several reasons. First of all, because he heard a very compelling argument this evening and was reminded that this is a very onerous and costly process for the applicants to go through, and to have to continue to go through when they only fail by a point or two. Secondly, because of the statement by Commissioner Lyle of the demands that it would place on Staff in terms of trying to run a competition for a relatively few number of allocations. However, he stated that while he did not like the idea of everybody that played were able to win in this particular case, that he would favor the motion with an appropriate methodology of allocating the units so that the top-scoring project is clearly not penalized for this action on the Commission's part.

THE MOTION CARRIED BY A 4-2-0 VOTE AS FOLLOWS: AYES: LYLE, PINION, RIDNER, SULLIVAN; NOES: MUELLER, MCMAHON; ABSTAIN: NONE, WITH KENNETT ABSENT

Commissioner Mueller commented that one or two points in the Open Market Rate Competition make or break projects every year, and that it does not seem right to him that the one product that scored the lowest has one of the busiest intersections in Morgan Hill looking at a detention pond.

PM Rowe pointed out that one of the things with respect to the City Council adopted resolution allocating building allotments for each fiscal year, is that they authorize the Commission to award the distribution for a single year. The second year is in the form of a recommendation to the City Council, so in terms of a due process hearing, the Council would have to concur with the decision of the Commission.

Commissioner Lyle mentioned that if it turns out that the DeWitt-Sheppard project has a viable argument and can get the four units versus the three, the Commission could still do what they are recommending because Council have not yet acted on the Open Market Rate Competition final allocations for Fiscal Year 2001-02. He stated that there are projects

in that Competition that are split with 7 allocations in FY 2001-02 and 6 allocations in FY 2002-03, and added that the Commission could reverse the split of the allocations for one of the projects in order to pick up another unit to solve the Sheppard project issue, as well as the yearly single-unit development Council policy concern expressed by Commissioner Mueller earlier.

PM Rowe presented Staff's recommendation for the distribution of the building allocations, and requested the Commission's approval of Resolution No. 00-17 with amendments as follows: 1) The transfer/reallocation of the unused Fiscal Year 1999-2000 fiscal year allotment, originally awarded to application MP-99-07: W. Main-Coletto; 2) MMP-00-01: Berkshire-Singh be awarded the one unused Coletto allocation for Fiscal Year 1999-2000; 3) Distribution of building allotments for Fiscal Year 2000-2001 Micro Measure P Competition as follows: MMP-00-01: Berkshire-Singh 3 allotments; MMP-00-02: E. Dunne-Grewal 1 allotment; MMP-00-03: McLaughlin-Jones 1 allotment; MMP-00-04: DeWitt-Sheppard 3 allotments; and MMP-00-05 5 allotments; and 4) Planning Commission recommendation to the City Council for the following projects to receive approval to phase a portion of their requested building allotment into the Fiscal Year 2001-2002 Micro Measure P Competition: MMP-00-02: E. Dunne-Grewal 3 allotments; and MMP-00-03: McLaughlin-Jones 4 allotments.

COMMISSIONERS LYLE/MCMAHON MOTIONED TO APPROVE RESOLUTION NO. 00-17 AS AMENDED AND RECOMMENDED BY PM ROWE. THE MOTION CARRIED 6-0, WITH KENNETT ABSENT.

Commissioner Mueller commented on the DeWitt-Sheppard project in an effort to address the concerns of the neighbors. He stated that even though the drawing look slightly different, that the project is indeed following the conditions and the intent of the RPD that was adopted.

COMMISSIONER LYLE MOTIONED THAT THE APPLICANT BE GIVEN AN AUTOMATIC 90-DAY EXTENSION OF THE CONSTRUCTION COMMENCEMENT DATE OF JUNE 30, 2000 FOR THE ONE-UNIT ALLOTMENT REALLOCATED TO MMP-00-01: BERKSHIRE-SINGH IN FISCAL YEAR 1999-2000 SINCE THE CITY COUNCIL WILL NOT HEAR THIS ITEM UNTIL MID-JUNE. Due to the Brown Act requirement, it was suggested that the 90-day extension request be agendized for the May 9, 2000 Commission Meeting date.

Commissioner Kennett resumed to her seat at the dias.

NEW BUSINESS:

3) ZA-00-03: COCHRANE- MORGAN HILL DEVELOPMENT PARTNERS

A request for a Planned Unit Development amendment to modify the Development Plan for Morgan Hill Ranch by changing the land use designation of the project site from Garden Hotel to Research and Development/Manufacturing. PM Rowe presented the staff report, and also added the request for modification to the free-standing sign on the site that presently has two panels in it, since the proposal now is to develop that portion of the site for industrial use. The second panel was to provide business identification for

the second hotel that was initially proposed to go on the site to the south. PM Rowe recommended approval to the Commission of the Negative Declaration for the project, and approval of the zoning amendment subject to the findings and conditions contained in Resolution No. 00-19, with the amendment that the sign be modified to eliminate the blank panel since it is no longer needed, and that the APN 726-32-015 be included in the resolution title, with a recommendation to the City Council for approval. PM Rowe responded to questions from the Commission regarding the requests for the PUD amendment and the sign modification.

Chairman Pinion opened the public hearing.

Gaye Quinn, applicant, addressed the issue of the sign and asked that the Commission reconsider Staff's recommendation to modify the free-standing sign. She distributed copies of the sign detail to the Commission, and stated that they were concerned that if the second panel was eliminated that it would reduce the attractiveness of the sign and would create odd proportions. Ms. Quinn explained that the second sign is not just an added panel that free floats within the two-column system itself, but that it is actually an integral part of the sign structure and that the one panel could not just be casually eliminated without restructuring the entire sign, which would be quite expensive. Another concern expressed by Ms. Quinn was that they share the ownership of the sign with Extended Stay America, so that precludes them from independently changing the sign. She, therefore, requested that the Commission allow the sign to be either used by the future tenant by the process that the City prescribes through the City Sign Ordinance, or allow the sign to remain vacant as it currently exist. Ms. Quinn answered questions from the Commission.

Robert Benich, 498 Via Sorrento, made a general comment that, basically, he opposed any kind of signage along Highway 101 as you are coming into Morgan Hill as he felt it looked tacky. He added that he was not opposed to the change to R&D and that he thought that was a good idea because he felt that there are already a lot of hotels in Morgan Hill.

Chairman Pinion closed the public hearing.

Commissioner Ridner commented that he thought that the sign should be left as it is at this point because there could clearly be some potential uses on the site where it may be appropriate to allow some signage visibility from the freeway, and that until they know, he did not see any reason why the applicant should be forced to go through the effort of eliminating the blank panel. Commissioner Sullivan stated that it appears to be a fairly extensive removal and that she has no problem with it staying blank, as long as it stayed blank, and that she feels the rezoning makes a lot of sense as well.

PM Rowe stated that one thing that should be considered is that one of the potential users said that the attractiveness of the site is the signage from the freeway, so with the panel remaining it becomes extremely likely that an industrial user of this site would want to have their identification on the pylon sign, and that there is no provision within the Sign Code to allow for that. PM Rowe further noted that the sign, without identifying the additional user, has a sign base in excess of what the Code would allow; and that in terms of a structural element concern, the Chevrolet dealership sign, for example, has an open

lattice kind of a detail to deal with the proportions and also to provide for structural support. He stated that the structural integrity of the sign could be maintained without the opaque panel that is currently there.

Chairman Pinion indicated that with or without the zoning change, the piece of property could possibly stay vacant for years yet, and if the zoning change was not being made, they would not be discussing the sign. He suggested that the applicant be requested to give notice to any tenant of what the City's Sign Ordinance is so that they do not enter into a lease or buy property under the misunderstanding that the sign will be available for their use. PM Rowe agreed that as a condition of the zoning change, that language could be added that the property owners disclose to prospective tenants and buyers that the pylon sign copy line is not accessible for their purposes. Commissioner Mueller suggested that wording very clearly be added in the zoning amendment that the sign is not available for R&D use, nor is it available for Extended Stay America to extend their sign.

COMMISSIONERS SULLIVAN/KENNETT MOTIONED TO APPROVE THE NEGATIVE DECLARATION FOR THE PROJECT. THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONERS SULLIVAN/MUELLER MOTIONED TO APPROVE RESOLUTION NO. 00-19, WITH AN AMENDMENT TO SECTION 4 TO DELETE ITEM 1 AND REPLACE THE WORDING WITH LANGUAGE THAT THE APPLICANT SHALL PROVIDE WRITTEN NOTIFICATION TO PROSPECTIVE TENANTS OR BUYERS THAT THE EXISTING BLANK SIGN PANEL SHALL NOT BE AVAILABLE FOR R&D MANUFACTURING BUSINESS IDENTIFICATION, NOR FOR ADDITIONAL SIGN AREA FOR EXISTING HOTEL USE PURSUANT TO THE CITY SIGN CODE; AND ALSO AMEND THE TITLE TO INCLUDE APN 726-32-015 TO CLARIFY WHICH PARCEL IS BEING REFERENCED.

Commissioner Lyle commented that he would prefer to see the sign changed, and that there would be less wind if the sign was lowered. He said that until there is a compelling case that says that it is very expensive to change the sign, that he is not in favor of it and that he feels that as long as the blank panel is there, sooner or later someone will use it. Commissioner Lyle added that he feels the Extended Stay America sign is too high. He did, however, indicate that he does like the addition of language to the zoning amendment that would make it a little harder for someone to use the blank panel.

THE MOTION CARRIED ON A 6-1 VOTE, WITH LYLE VOTING AGAINST.

OTHER BUSINESS:

**5) BUILDING
DEPT. REPORT
REGARDING
VIOLATIONS
AND STOP-WORK**

PM Rowe reviewed the report prepared by the Chief Building Official, Brian Washko. He also assured the Commission that the project will not be signed off by Staff and issued a Certificate of Completion until the project is completed properly. The Commission then asked questions of PM Rowe.

ORDERS ON THE Commissioner Mueller stated that he is concerned about the grading that is currently
CALLE ENRIQUE- in place, in that he does not believe that the grading has been done in accordance to the
GUEVARA grading plan, and that he thinks that it should be looked at right away. Chairman
PROJECT Pinion requested that Staff ask the inspector to request the Police Department to patrol
the area if he has to place any more stop orders on the project, to ensure that the work
does indeed stop.

Chairman Pinion opened the public hearing.

Ed Rado, 496 Via Sorrento, stated that, in his opinion, he is the only code enforcement officer watching the project. He also stated that he disagrees that Mr. Guevara does not know what the rules are. Mr. Rado said that he feels that if the applicant cannot get the project completed in a quality and reasonable time, then the project should be stopped. He added that common sense needs to be exercised by the builder and what he is doing, because consideration is not being taken for the surrounding community, such as the safety hazard presented by a 6 ft. open trench near a sidewalk where children play.

Chairman Pinion closed the public hearing.

The Commission posed questions to PM Rowe and held further discussion. Upon the suggestion of Commissioner Lyle, PM Rowe stated that he would advise the applicant that during the Commission discussion it was suggested that the applicant prepare a construction schedule. Commissioner Ridner commented that it would have been nice to know the issues raised from the Building Staff in advance of evaluating the applicant's request for an extension, as opposed to hearing them from the public. He also stated that he did not feel two weeks was time enough to evaluate whether or not the builder will be able to get back on track. It was the general consensus of the Commission that Staff will have the responsibility of continuing to closely monitor and ensure the proper completion of the project.

ANNOUNCEMENTS

CITY COUNCIL REPORTS

ADJOURNMENT There being no further business, Chairman Pinion adjourned the meeting at 9:45 p.m.

MINUTES RECORDED AND PREPARED BY:

FRANCES O. SMITH, Administrative Secretary

